

BIRCH STEWART, KOLASCH & BIRCH, LLP

INTELLECTUAL PROPERTY LAW
8110 GATEHOUSE ROAD
SUITE 500 EAST
FALLS CHURCH, VA 22042-1210
USA
(703) 205-8000

FAX: (703) 205-8050
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com
web: http://www.bskb.com

CALIFORNIA OFFICE:
COSTA MESA, CALIFORNIA

TERRELL C. BIRCH
RAYMOND C. STEWART
JOSEPH A. KOLASCH
JAMES M. SLATTERY
BERNARD L. SWEENEY*
MICHAEL K. MUTTER
CHARLES GORENSTEIN
GERALD M. MURPHY, JR.
DONALD R. SVENSSON
TERRY L. CLARK
ANDREW D. MEIKLE
MARC S. WEINER
JOE MCKINNEY MUNCY
ROBERT J. KENNEY
DONALD J. DALEY
JOHN W. BAILEY
JOHN A. CASTELLANO, III
GARY D. YACURA

OF COUNSEL
HERBERT M. BIRCH (1905-1996)
ELLIOT A. GOLDBERG*
WILLIAM L. GATES*
EDWARD H. VALANCE
RUPERT J. BRADY (RET.)*
F. PRINCE BUTLER
FRED S. WHISENHUNT

*ADMITTED TO A BAR OTHER THAN VA.

THOMAS S. AUCHTERLONIE
JAMES T. ELLER, JR.
SCOTT L. LOWE
MARK J. NUEL, Ph.D.
D. RICHARD ANDERSON
PAUL C. LEWIS
MARK W. MILSTEAD*
RICHARD J. GALLAGHER
JAYNE M. SAYDAH*

REG. PATENT AGENTS
FREDERICK R. HANDREN
MARYANNE ARMSTRONG, Ph.D.
MAKI HATSUMI
MIKE S. RYU
CRAIG A. McROBBIE
GARTH M. DAHLEN, Ph.D.
LAURA C. LUTZ
ROBERT E. GOOZNER, Ph.D.
HYUNG N. SOHN
MATTHEW J. LATTIG
ALAN PEDERSEN-GILES
C. KEITH MONTGOMERY
TIMOTHY R. WYCKOFF
KRISTIL L. RUPERT, Ph.D.
LARRY J. HUME
ALBERT LEE
HRAIR A. SAYADIAN, Ph.D.

Date: October 18, 2000

Docket No.: 1422-0442P

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a Request for filing a ☐ continuation ☒ divisional
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of
pending prior Application No. 08/952,089 filed on November 10,
1997, the entire contents of which are hereby incorporated by
reference,
by

SAGAWA, Hiroaki; UENO, Harumi; OSHIMA, Atsushi; and KATO,
Ikunoshin

for

PLASMID

1. ☒ Enclosed is an application consisting of specification,
claims, declaration and drawings/photographs (if
applicable).
2. ☒ The filing fee has been calculated as follows:

	BASIC FEE		LARGE ENTITY	SMALL ENTITY
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	9-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	6-3 =	3	x 80 = \$240.00	x 40 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$270.00	+ \$135.00
TOTAL			\$950.00	\$0.00

3. ☒ A check in the amount of \$950.00 to cover the filing fee and recording fee (if applicable) is enclosed.

4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.

5. Amend the specification by inserting before the first line thereof the following:

a. ☐ --This application is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending Application No. 08/952,089, filed on November 10, 1997, the entire contents of which are hereby incorporated by reference.--

21
b. ☒ --This application is a ☐ continuation ☒ divisional ☐ continuation-in-part of co-pending Application No. 08/952,089, filed on November 10, 1997. Application No. 08/952,089 is the national phase of PCT International Application No. PCT/JP97/00748 filed on March 10, 1997 under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference.--

6. ☒ Enclosed is/are twenty-six (26) sheet(s) of formal drawings and/or photographs.

7. ☐ A statement claiming small entity status was filed in prior Application No. 08/952,089 on _____. See the attached copy of the statement claiming small entity status.

8. ☒ The prior application is assigned to Takara Shuzo Co., Ltd..
9. ☐ A Preliminary Amendment is enclosed.
- 10a. ☐ Priority of Application No(s). _____ filed in _____ on _____ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on _____.
- 10b. ☒ Priority of International Appln. PCT/JP97/00748 filed on March 10, 1997 under the Patent Cooperation Treaty and Japanese Application No. 8-85801 and 8-208897 filed in Japan on March 13, 1996 and July 18, 1996, respectively under 35 U.S.C. § 119 are hereby reclaimed.
11. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
12. ☐ Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
Telephone: (703) 205-8000

or
Customer No. 2292
13. ☐ An extension of time for _____ () month(s) until has been submitted in parent Application No. 08/952,089 in order to establish co-pendency with the present application.
14. ☒ Also enclosed herewith is the following:
Copies of receipts for deposits of microorganisms.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Marc S. Weiner, #32,181

MSW/MAA/csp
1422-0442P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments

(Rev. 09/29/2000)